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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,758	03/29/2001	Takashi Yamamoto	35.C15234	2682
5514 7590 02/06/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LAO, LUN YI	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/819,758

Applicant(s)

YAMAMOTO ET AL.

Examiner

LUN-YI LAO

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-14 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-14 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/19/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a first common" and "a second common" are not found in the specification. The specification only disclose "a control command, a GUI-UPDATE command, a USER ACTION command and a DIRECT ACTION command"(see paragraphs 24-28).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 11-14 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "the first and second commands being used to control the specific function of the controlled apparatus, and the control unit updates the operation panel using data to be sent from the controlled apparatus to said control apparatus in response to the second command" cited in claims 1, 11 and 19 is confusing since it is

unknown that the first and second commands are for the same command or different commands.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-14, 11-14 and 19-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.


The specification does not disclose the "generates a second command if the control unit determines in accordance with the control signal that the second operating unit is operated" the control unit" and "updates the operation panel using data to be sent from the controlled apparatus to said control apparatus in response to the second command" cited in claims 1, 11 and 19. The specification disclose a second command(DIRECT-ACTION, e.g. stop, rewinding, fast-forward, etc.) command is generated when the second operating unit(311-315) is operated(see figures 3 and paragraphs 80-82) and updates the operation panel in response to the second command(GUI-UPDATE) command(see paragraphs 91, 102, 107).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 11-14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al(6,421,069) in view of Brusky et al(6,111,569) and Hahm(5,949,351).

As to claims 1-4, 11-14 and 19-22, Ludtke et al teach a communication system comprising a control apparatus(18) that receives an operation panel(81 or 85 or 90) for operating a controlled apparatus from the controlled apparatus(10 or 88, 14 or 84, 19 or 89), the operation panel(81 or 85 or 90) including display elements(e.g.  or 62 in Fig. 5) used to control a specific function of the controlled apparatus(e.g 10 or 80, video camera; 14 or 84, video cassette recorder; or 19 or 89, TV)(see figures 1-8, 10; column 5, lines 36-68; column 6, lines 1-6; column 8, lines 26-37; column 9, lines 1-68; column 10, lines 1-2 and lines 45-56); and a remote control device(see claim 32) having a first operation unit(e.g. mouse or remote control with cursor keys) for moving a cursor on the operation panel(81 or 85 or 90) and an enter key or a selection key) being used to control the specific function of the controlled apparatus e.g 10 or 80, video camera;

14 or 64 or 84, video cassette recorder; or 19 or 69 or 89, TV) (see figures 5-10; column 9, lines 5-13; column 11, lines 36-48 and claim 32). Ludtke et al teach a control apparatus(18) having (a) a receiving unit(input interface) for receiving a control signal from the remote control device, and (b) a control unit(410) that (i) generates a first command(e.g. selecting video cassette recorder operation panel or play or record) if the control unit(410) determines in accordance with the control signal that specific display element in the operation panel(e.g. 62 or 81, 85)(see figures 5 or 7; column 9, lines 30-52 and column 10, lines 3-26) is operating using the first operating unit(e.g. mouse, or remote control unit with cursor keys, a user using a mouse to move a cursor to select a video cassette recorder(64) or a play button or a record button on a operation panel(62 or 81 or 85) and the control unit will execute the select function(e.g. displaying a video cassette recorder control panel or play or record functions) when a user presses the mouse selection button)(see figures 6-8, column 6, lines 65-67; column 9, lines 30-52; column 11, lines 41-48 and column 12, lines 13-22).

Ludtke et al fails to disclose a remote control device having a second command if the control unit determines the control signal that the second operating unit is operated, and the control unit updates the operation panel using data sent from the controlled apparatus to the control apparatus in response to the second command.

Brusky et al teaches an operation apparatus(see figure 1) comprising an apparatus comprising a remote control device(70) having a first operating unit(e.g. trackball or mouse to made a selection function; e.g. record, video mode; on a menu)(see figure 1; column 3, lines 5-26 and 37-44) ; a second operating unit(hard

keys, e.g. a video mode key, a rewind play, fast forward, record, stop, pause, etc.) for operating a specific function of a controlled apparatus(120, 130, 140) (see figure 1 and column 3, lines 33-37). Brusky et al teaches a first command(e.g. video mode or recode; etc.) is generated by a control unit(computer processor) is sent from the control apparatus(10) to the controlled apparatus(e.g. TV or VCR)(see figure 1; column 1, lines 7-23 and column 2, lines 43-56) and a second command(e.g. video mode, record, stop; etc.) is sent from the control apparatus(10) to the controlled apparatus(e.g. TV or VCR)(see figure 1; column 1, lines 7-23; column 2, lines 43-56 and column 3, lines 27-45). It would have been obvious to have modified Ludtke et al with the teaching of Brusky et al, so as to provide a powerful and simple remote controller to a user.

Hahm teaches an operation apparatus(see figure 1) comprising an apparatus(100) comprising a remote control device having and operating unit(104-107); for operating a specific function of a controlled apparatus(120, 130, 140) (see figure 11, column 3, lines 56-68 and column 4, lines 1-8); and a control unit(301-305) updates the operation panel(150) using data sent from the controlled apparatus(120, 130, 140) in response to a second command(see figures 1-8, 11; abstract; column 3, lines 56-68; column 4, lines 1-44; column 5, lines 13-68 and column 6, lines 1-33). Hahm teaches a second command is generated by the control unit(301-305) is sent from the control apparatus(100) to the controlled apparatus(120, 130, 140)(It would have been obvious to have modified Ludtke et al as modified with the teaching of Hahm, so the operation panel could be updated as required by a user.

As to claims 2, 12 and 20, Ludtke et al as modified teach the control apparatus(18) for determine which one to the plural display elements(display elements on 81, 85 and 90) in the operation panel is operated(see figures 7-10; column 10, lines 3-68; column 11, lines 1-21 and lines 42-48).

As to claims 3, 13 and 21, Ludtke et al modified teach the control apparatus(18) is adapted to determine whether to move a cursor on the display panel(see figures 7-10; and column 11, lines 42-48).

As to claims 4, 14 and 22, Ludtke et al as modified teach the control apparatus transmit a second command(e.g. rewind play, fast forward, record, stop pause) to the controlled apparatus(e.g. TV) even the display panel is not display on the display unit(see Ludtke et al's figures 7-10; Brusky et al's figure 1 and column 3, lines 27-45).

Response to Arguments

8. Applicant's arguments with respect to claims 1-4, 11-14 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wugofski(6,346,934) teaches a two way communication remote controller(118).

Sasaki et al(4,825,209) teaches a two way communication remote controller(1).

Platte et al(4,728,949) teaches a two way communication remote controller(1).

Lopresti et al(5,889,506) teaches a universal remote controller(24).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

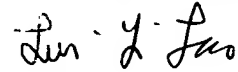
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Lun-yi Lao".

Lun-yi Lao
Primary Examiner